

**REMARKS**

Applicants and the undersigned are most grateful for the time and effort accorded the instant application by the Examiner. The Office is respectfully requested to reconsider the rejections presented in the outstanding Office Action in light of the following remarks.

Claims 3-11 and 14-23 were pending in the instant application at the time of the outstanding Office Action. In the preceding Office Action, the Office indicated that Claims 3-6 and 14-17 would be allowable if rewritten in independent form. Such action was taken in the last Amendment, along with amending Claim 23 in a manner to recite subject matter similar to Claim 14. By virtue of dependence from allowable Claims 3 and 14, it was believed that claims 7-11 and 18-22 were also allowable. In the outstanding Office Action, however, the Office continues to reject the pending claims.

Claims 3-11 and 14-23 now stand rejected under 35 U.S.C. 103(a) over Picone et al. (hereafter "Picone") in view of Setlur et al. (hereafter "Setlur") in further view of O'Shaughnessy. The Office has admitted that not one of these references describe the present invention, but claims that combination of the teachings of these references would be obvious to a person skilled in the art. This is not supported by the references. Reconsideration and withdrawal of the present rejection is therefore respectfully requested.

By way of example, the Office states that "Setlur et al discloses a voice verification system comprising arrangement, which compares text based on a verbal

Atty. Docket No. YOR-2000-0006  
(590.006)

utterance to at least one target password sentence." (*Office Action* at 3) As presently best understood, however, Setlur teaches the use of the original acoustic feature vectors (denoted O, Col. 3, line 17 on) in an acoustically based computation which generates acoustic scores which are used in a likelihood ration detector. This is different than comparing a verbal utterance and a target password on a text level as is contemplated by the present invention.

A 35 U.S.C. 103(a) rejection requires that the combined cited references provide both the motivation to combine the references and an expectation of success. Not only is there no motivation to combine the references, no expectation of success, but as discussed in the preceding paragraph, actually combining the references would not produce the claimed invention. Thus, the claimed invention is patentable over the combined references and the state of the art.

In view of the foregoing, it is respectfully submitted that Claims 3-11 and 14-23 fully distinguish over the applied art and are thus in condition for allowance. By virtue of dependence from what is believed to be allowable independent Claims 3 and 14, it is respectfully submitted that Claims 4-11 and 15-22 are also presently allowable. Notice to the effect is hereby earnestly solicited.

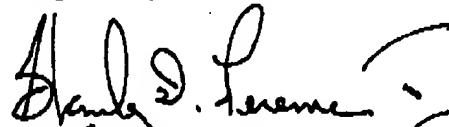
FROM 412 741 9292

(FRI) MAR 5 2004 12:51/ST. 12:48/NO. 6319784805 P 18

Atty. Docket No. YOR-2000-0006  
(590.006)

In the unlikely event the Office does not agree the application is in condition for allowance, Applicants respectfully request an interview with the Examiner prior to the next Office Action in this case.

Respectfully submitted,



Stanley D. Ference III  
Registration No. 33,879

FERENCE & ASSOCIATES  
400 Broad Street  
Pittsburgh, Pennsylvania 15143  
(412) 741-8400  
(412) 741-9292 - Facsimile

Attorneys for Applicants